

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARI DANIEL, individually and as the
Personal Representative of the Estate of
MELVIN DANIEL, and as Guardian for the
minor children, M.A. DANIEL, DOB
6/13/90, & B.A. DANIEL, DOB 6/28/93, and
MARI DANIEL, as the Personal
Representative of the Estate of FRED
RAMISKEY,

Plaintiffs,

v.

THE COLEMAN COMPANY, INC., a
Delaware corporation,

Defendant.

CASE NO. 06-5706 KLS

ORDER DENYING PLAINTIFFS'
MOTION TO COMPEL DISCOVERY

This matter comes before the Court on the plaintiffs' motion to compel discovery (Dkt. #47).

Fed. R. Civ. P. 37(a)(2)(B) requires a "certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action."

Local Rule CR 37(a)(2)(A) reads as follows:

A good faith effort to confer with a party or person not making a disclosure or discovery requires a face-to-face meeting or a telephonic conference. If the court finds that counsel for any party, or a party proceeding pro se, willfully refuses to confer, fails to confer in good faith, or fails to respond on a timely basis to a request to confer, the court may take

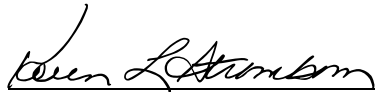
1 action as stated in GR 3 of these rules.

2 The plaintiffs' motion lacks the required certification. Instead, it is clear that the parties made no
3 good faith effort to confer. The only information provided to the court is that the parties agreed to present
4 the matter to the court for determination and that such agreement was made early on in this litigation, even
5 prior to service of the interrogatories.

6 Since that time Judge Zilly has made a determination on a similar motion in which requested
7 discovery was granted. The Court has been made aware of similar court rulings in which discovery was
8 allowed.

9 The plaintiffs' motion is **DENIED** for failure to comply with the above cited rules.

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11 DATED this 18th day of September, 2006.

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15 Karen L. Strombom
16 United States Magistrate Judge
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